

From: [Holthaus, Katitza \(DOH\)](#)
To: ["James Silberman"](#)
Bcc: [Auldredge, Melanee A \(DOH\)](#); [Elwanger, Susan M \(DOH\)](#); [Spice, Christie L \(DOH\)](#)
Subject: RE: Public Records Request
Date: Friday, January 27, 2017 11:54:00 AM

Dear James Silberman:

We received your public records request on January 20, 2017. We understand your request to mean that you would like:

“...the report data for all Washington State abortion providers for the day of September 14, 2016; as in that data which is in the report specified in WAC 246-490-100 with any information which identifies the patient or provider obviously redacted.”

Pertaining to your request that we provide the information in a specific format, for the day of September 14, 2016, the agency will not provide the record(s) in that manner.

The agency strives to be compliant with RCW 42.56, the Public Records Act. The act requires the agency to produce “*identifiable records*” that are responsive to a request unless such records are exempt from production based on federal or state law. In cases where public records are requested and the information resides in a database, the agency’s practice is in alignment with the Attorney General Model Rules pertaining to electronic records. Specifically, [WAC 44-14-05002\(1\)](#), which addresses “reasonably locatable” electronic records, is relevant in this instance.

The agency will not provide the record(s) because what you are seeking is ***customized access***. The information you requested does not exist in any agency identifiable records or reasonably locatable electronic records because the agency does not manage its data in such a way that standard reports have been developed that contain the information in the specific manner or format you are seeking. This would not be a simple report or query but would involve a lot of staff time to develop. It also is important to note that the department is not obligated to create records in order to satisfy a public records request.

Again, we can offer you aggregated data when it becomes available. The 2016 data for Induced Abortion/Pregnancy is not available yet but we estimate that the report will be made available to the public in summer 2017.

Under [RCW 42.56.520](#) you may appeal the decision to withhold information contained in the records via a request for review by the Department of Health’s Public Records Officer. The request must be submitted in writing to either of the following:

Mailing Address:

Public Records Officer
Washington State Department of Health
P.O. Box 47890
Olympia, WA 98504-7890

Email Address:

PRRAppeals@DOH.WA.GOV

If you have any questions or need additional information, please me via email at katitza.holthaus@doh.wa.gov or phone at (360) 236-4310.

Sincerely,

Katitza Holthaus

Office Manager
Washington State Department of Health
Center for Health Statistics
PO Box 47814
Olympia, WA 98504
Phone: 360.236.4310

From: James Silberman [mailto:j.silberman@ymail.com]

Sent: Friday, January 20, 2017 2:39 PM

To: Elwanger, Susan M (DOH) <Susan.Elwanger@DOH.WA.GOV>; Holthaus, Katitza (DOH) <katitza.holthaus@doh.wa.gov>; Auldredge, Melanee A (DOH) <melanee.auldredge@doh.wa.gov>

Subject: Public Records Request

Hello,

I'd like to make a public records request. Again, according to WAC 246-490-100, I am requesting the report data for all Washington state abortion providers for the day of September 14, 2016; as in that data which is in the report specified in WAC 246-490-100 with any information which identifies the patient or provider obviously redacted.

Thanks,

James